

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

In re:

J. C. PENNEY COMPANY, INC., *et al.*,¹

Debtors.

)
) Chapter 11
)

) Case No. 20-20182 (DRJ)
)

) (Jointly Administered)
)

EMERGENCY MOTION TO EXTEND DEADLINE

Emergency relief has been requested. If the court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the Court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

Relief is requested no later than October 16, 2020.

JCPenney has been and remains laser focused on saving over 60,000 jobs and maximizing the value of these estates through a going concern reorganization. The Court's recent scheduling order [Docket. No. 1551] includes an October 16, 2020 deadline for the filing of a motion

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <http://cases.primeclerk.com/JCPenney>. The location of Debtor J. C. Penney Company, Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 6501 Legacy Drive, Plano, Texas 75024.

requesting entry of an order approving entry into an asset purchase agreement, together with initial versions of the chapter 11 plan and disclosure statement.

JCPenney, Simon and Brookfield, and the majority group of first lien lenders continue to progress all documentation and are engaged in mediation discussions regarding certain issues, including those relating to working capital, certain closing adjustments, and key elements of the master lease agreement. Each of the parties has consented to, and is actively participating in, mediation discussions with Judge Isgur. The intent is to bring those discussions to conclusion in advance of the October 20, 2020 status conference set by this Court.

In addition, on October 14, 2020, JCPenney received a competing proposal from the minority group of first lien lenders as previewed at the scheduling conference on October 7, 2020. That proposal is being considered by the Debtors and is likewise the subject of mediation discussions with Judge Isgur.

To that end, Judge Isgur authorized the Debtors to hereby report that he believes that substantial progress is being made in the mediation. Judge Isgur suggested that JCPenney request a short continuance of the October 16, 2020 deadline set forth in Docket No. 1551 to October 19, 2020 to allow for the mediation to successfully conclude.

Additionally, on October 20th, JCPenney and its advisors will be prepared to chart a clear path towards the sale hearing that was tentatively scheduled for November 2, 2020. It is absolutely critical to these estates that the OpCo sale move forward and be approved in early November. JCPenney will do whatever it takes to ensure that happens.

Respectfully Submitted,
October 15, 2020

/s/ Matthew D. Cavanaugh

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